

REMARKS

Applicants' attorney thanks the Examiner for the careful consideration given to this application. The matters raised in the Office action are discussed below.

The rejection of the claims under 35 USC 112, second paragraph, is rendered moot by cancellation of claims 13 - 17 herein. For completeness, the title of the application has been amended to delete reference to the method for producing the ferrite sintered magnet.

Turning to the claim amendments, the subject matter of original claim 5 has been incorporated into claim 1. Claim 5 is amended to depend from new claim 18, which comprises a combination of the subject matter of original claims 1, 6 and 7. The prior claim rejections, as applicable to the presently pending claims, are discussed below.

The rejection of claims 1 - 17 under 35 USC 103(a) as unpatentable over WO 2005/013293 comprises the only rejection of original claim 5, the subject matter which has been incorporated into claim 1. This rejection is overcome by the accompanying proof of entitlement to priority. Specifically, an English-language translation of Japanese patent application No. 2004-060245, filed on March 4, 2004, is submitted together with a Declaration of Translator. Accordingly, the '293 publication is removed as a reference, claim 1 and depending claims 2 - 4, 6 and 7 are distinguished over the prior art.

The provisional rejection of claims 1 - 4 and 6 - 12 on the ground of non-statutory obviousness-type double patenting,

as being unpatentable over claims 1 - 3, 6 and 7 of co-pending Application No. 10/558,879, is rendered moot as to claims 1 - 4, 6 and 7 by the amendment of claim 1, to include the subject matter of original claim 5. As to the remaining claims 8 - 12, the rejection is rendered moot by the abandonment of Application No. 10/558,879 as indicated in the Notice of Abandonment dated August 11, 2009.

Newly presented claim 18 includes the subject matter of claims 1, 6 and 7, and the abandonment of Application No. 10/558,879 renders moot any obviousness double-patenting rejection. Claim 5 has been amended to depend from claim 18 and is distinguished over the art.

For all of the foregoing reasons, claims 1-12 and 18 presently of record are in condition for allowance and such action is requested.

If there are any fees required by this amendment, please charge the same to Deposit Account No. 16-0820, Order No. OBA-41173.

Respectfully submitted,

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